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MAY 27 2005

MUL-0005D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cross et al.)
Serial No.: 10/671,167) Group Art Unit: 2821
Filed: September 25, 2003)
For: RETROFIT LIGHT EMITTING) Examiner: Vu, Jimmy T.
DIODE TUBE)

PETITION UNDER 37 CFR 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT

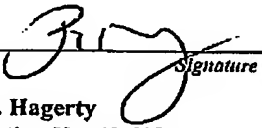
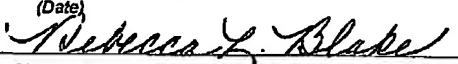
VIA FACSIMILE TO: (703) 872-9306
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

Sir:

Applicant respectfully petitions the Commissioner to withdraw a holding of abandonment based on a failure to receive the Office Action. Attached hereto is a Declaration, and a copy of the file jacket cover.

~~Filed date: 05/27/2005 BBONNER~~
~~05/27/2005 BBONNER 00000067 10671167~~
~~01 FC:1464 130.00 OP~~

05/27/2005 BBONNER 00000067 10671167
01 FC:1464 130.00 OP

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. MUL-0005D1	
In Re Application Of: Robert Porter Cross					
Application No. 10/671,167	Filing Date 09/25/2003	Examiner Vu, Jimmy T.	Customer No.	Group Art Unit	Confirmation No. 7015
Title: RETROFIT LIGHT EMITTING DIODE TUBE					
<u>COMMISSIONER FOR PATENTS:</u>					
<p>Transmitted herewith is:</p> <p>Petition Under 37 CFR 1.181(a) to Withdraw Holding of Abandonment (3 pgs)</p> <p>Declaration (2 pgs)</p> <p>Copy of File Jacket (1 pg)</p>					
<p>In the above identified application.</p> <div style="text-align: right; margin-top: 10px;"> 06/01/2005 BONNER 00000001 10671167 01 FC:1464 130.00 OP </div>					
<p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge the amount of \$ 130.00</p> <p style="margin-left: 40px;"><input type="checkbox"/> Credit any overpayment.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Charge any additional fee required.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
 Peter R. Hagerty Registration No. 42,618 Telephone No. 404-607-9991			Dated: May 27, 2005		
CC:			<div style="border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p style="text-align: center;">May 27, 2005 (Date)</p> <p style="text-align: center;"> Signature of Person Mailing Correspondence</p> <p style="text-align: center;">VIA FACSIMILE By Rebecca L. Blake Typed or Printed Name of Person Mailing Correspondence</p> </div>		

P16A/REV03

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. MUL-0005D1	
Applicant(s): Robert Porter Cross				
Application No. 10/671,167	Filing Date 09/25/2003	Examiner Vu, Jimmy T.	Group Art Unit	
Invention: RETROFIT LIGHT EMITTING DIODE TUBE			RECEIVED CENTRAL FAX CENTER MAY 27 2005	
<p>I hereby certify that this <u>TRANSMITTAL LETTER (1 PG); CREDIT CARD PAYMENT FORM (1 PG); PETITION UNDER 37 CFR 1.181 (a) TO WITHDRAW HOLDING OF ABANDONMENT (3 PGS); DECLARATION (2 PGS);</u> (Identify type of correspondence) <u>COPY OF FILE JACKET (1 PG)</u></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306)</p> <p>on <u>May 27, 2005</u> (Date)</p> <p><u>Rebecca L. Blake</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>Rebecca L. Blake</u> (Signature)</p>				
<p>Note: Each paper must have its own certificate of mailing.</p>				

P18/REV02

MUL-0005D1

REMARKS

As discussed in the attached Declaration, on August 24, 2004, a first Office Action was mailed by the Examiner to the Applicant. On February 25, 2005, the present application was abandoned for failing to respond within the statutory period. On May 9, 2005, a phone call from the Examiner was received by Applicants' undersigned representative. During this phone call, the Examiner indicated that no response to the first Office Action was received by the Office and inquired as to whether a response was filed. It is noted that the Applicants address information on the Office Action was correct.

Applicants' undersigned representative has been practicing full-time before this Office for at least about the past 7 years. During this time, in excess of about 300 patent applications for various clients have been prosecuted and/or are actively being prosecuted in this Office. Never, during the time I have been practicing, has there been an instance where an Office Action was not received nor has Applicants' undersigned representative ever filed a Petition for Revival for failing to receive an Office Action. Applicants' undersigned representative has reviewed the file jacket (attached hereto) and docketing records and can find no evidence that the Office Action was received.

MUL-0005D1

It is respectfully requested that the holding of abandonment be withdrawn.

Respectfully submitted,

By:



Peter R. Hagerty

Registration No. 42,618

Date: May 27, 2005

Mule Lighting, Inc.
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Providence, RI 02905